



## CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Consider the Planning Commission's Recommendation that the City Council Amend Title 17 of the Lodi Municipal Code (Zoning Restrictions) to Provide for an Administrative Deviation Procedure

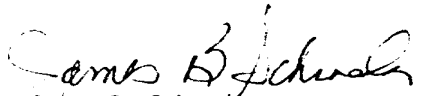
**MEETING DATE:** May 5, 1993

**PREPARED BY:** Community Development Director

**RECOMMENDED ACTION:** That the City Council consider the Planning Commission's recommendation that the City Council amend Title 17 of the Lodi Municipal Code (Zoning Restrictions) to provide for an administrative deviation procedure.

**BACKGROUND INFORMATION:** The proposed amendment was generated by recent discussions regarding the adoption of a new Community Development Fee Schedule. The Planning Commission felt that certain types of minor deviations or variances could be handled by City staff thereby saving the applicant the additional time and money required to go before the Planning Commission. The proposed administrative deviations amendment establishes precise limitations on the types of variances that can be approved by staff and the magnitude of deviation that can be approved. It was the intent of the Planning Commission that this process would make the variance process easier and less expensive for the majority of people requiring a variance or deviation. The Planning Commission also recommended that a nominal fee be charged for this procedure. Attached is a copy of the proposed administrative deviations amendment as recommended by the Planning Commission.

**FUNDING:** None required.

  
James B. Schroeder  
Community Development Director

JBS/cg

Attachments

APPROVED: 

THOMAS A. PETERSON  
City Manager



CC-1

CCCD93.18/TXTD.01C

ORDINANCE NO. 1575

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
ADDING CHAPTER \_\_\_\_\_ TO THE LODI MUNICIPAL CODE  
RELATING TO ADMINISTRATIVE DEVIATIONS

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 17 is hereby amended by adding  
the following \_\_\_\_\_:

CHAPTER \_\_\_\_\_. ADMINISTRATIVE DEVIATIONS

Section \_\_\_\_\_. INTENT.

It is the intent of this Chapter to establish minor administrative exceptions to the regulations of this (Title?), which may be used to insure that property, because of special circumstances, such as size, shape, topography, location or surroundings, shall be accorded privileges commonly enjoyed by the other properties in the same zone in the vicinity.

Section \_\_\_\_\_. PERMITTED ZONE AND PERMITTED MODIFICATIONS.

Applications for Deviations may be accepted in all zones, unless otherwise specified. Applications for Deviations may be considered for the following modifications only:

- (a) Off-street parking requirements:
  - (1) Parking improvements;
  - (2) Up to thirty percent (30%) of parking and loading space requirements, but not exceeding two (2) spaces;

(b) Setback requirements:

- (1) Up to forty percent (40%) of the front yard setback requirement, but not closer to the property line than fifteen (15) feet;
- (2) Up to forty percent (40%) of the side yard setback requirement, but no closer to the property line than three (3) feet;
- (3) Up to thirty percent (30%) of the rear yard setback requirement, but no closer to the property line than five (5) feet;

(c) Area and width requirements:

- (1) Up to fifteen percent (15%) of the area requirements, excluding lot area requirements;
- (2) Up to ten percent (10%) of the lot area or lot width requirements;

(d) Height requirements:

- (1) Up to thirty percent (30%) of height requirements, but not to exceed five (5) feet.

(e) Landscaping requirements.

Section                      REQUIREMENTS FOR APPLICATION.

A request for a Deviation shall include a site plan which clearly delineates the location and extent of the regulation to be modified and any other documentation required by the Director.

Section \_\_\_\_\_ REVIEW PROCEDURES.

The review procedure for Deviation applications shall be Staff Review with Notification.

Section \_\_\_\_\_ REVIEWING AUTHORITY.

The Community Development Director or designee shall be the reviewing authority under this ordinance. All decisions shall be based on consideration of all relevant information received and shall include written findings granting or denying the application.

Section \_\_\_\_\_ FINDINGS.

Prior to approving an application for a Deviation, the review authority shall find that all of the following are true:

- (a) The granting of the Deviation will not be materially detrimental to other properties or land uses in the area;
- (b) There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended uses that do not apply to other properties in the same zoning district in the vicinity;
- (c) The strict application of the regulation deprives the property of privileges enjoyed by other properties in the vicinity;
- (d) The granting of the Deviation is consistent with the General Plan.

Section

All decisions of the reviewing authority, including the applicability of this Chapter, shall be subject to appeal to the Planning Commission, by written request, within ten (10) days after the action. Thereafter, the appeal process shall be as specified in Section 17.72.110 of this Code.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this            day of

\_\_\_\_\_  
PHILLIP A. PENNINO  
Mayor

Attest:

JENNIFER M. PERRIN  
City Clerk

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State of California  
County of San Joaquin, ss.

I, Jennifer Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1575 was introduced at a regular meeting of the City Council of the City of Lodi held May 5, 1993 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 1993 by the following vote:

Ayes: Council Members -  
Noes: Council Members -  
Absent: Council Members -  
Abstain: Council Members -

I further certify that Ordinance No. 1575 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN  
City Clerk

Approved as to Form

BOBBY W. McNATT  
City Attorney

ORD1575/TXTA.01V

EXCERPTS FROM PLANNING COMMISSION MINUTES

March 22, 1993

The second public hearing was to consider recommending an amendment to Title 17 of the Municipal Code (Zoning Restrictions) to provide for administrative deviations.

City Attorney McNatt introduced this matter for the Planning Commission. He explained that the purpose of the amendment is to allow for staff to take responsibility for approving/denying minor variances reducing the cost to applicants as well as shortening the review process. Applications for deviations would be considered for modifications such as requirements for off-street parking, setbacks, lot area and width, building height and landscaping. Under the new ordinance any decision by staff could be appealed to the Planning Commission.

The Commissioners found the language of the ordinance confusing. They felt the setback requirements of the amendment should be reduced, the appeal period lengthened and a separate administration fee established.

Vice Chairman Rasmussen then asked if anyone in the audience wished to speak on the matter. Speaking in favor of the ordinance was Steve Pechin, Baumbach & Piazza, Inc., 323 West Elm Street. He agreed that findings on minor variations should be made by staff and a small administrative fee charged.

Finally, on a motion by Commissioner Stafford and a second by Commissioner Griffith, the Planning Commission voted unanimously to recommend to the City Council the amendment to Title 17 of the Municipal Code (Zoning Restrictions) to provide for Administrative Deviations with the following changes to the draft ordinance:

1. (c) (1) Area and width requirements - Up to 15% of the area requirements, excluding lot area requirements;
2. Appeal Process - lengthen process from 5 days to 10 days.

In a related matter, on a motion by Commissioner Stafford and a second by Commissioner Griffith, the Planning Commission unanimously recommended to the City Council that a fee for administrative deviations be charged.

CITY OF LODI  
221 WEST PINE STREET  
LODI, CALIFORNIA 95240

ADVERTISING INSTRUCTIONS

SUBJECT: NOTICE OF PUBLIC HEARING - AMEND TITLE 17 OF THE LODI MUNICIPAL  
CODE (ZONING RESTRICTIONS) TO PROVIDE FOR AN ADMINISTRATIVE  
DEVIATIONS PROCEDURE.

PUBLISH DATES: SATURDAY, APRIL 10, 1993

TRAR SHEETS WANTED: THREE

AFFIDAVIT AND BILL TO:

JENNIFER M. PERRIN, CITY CLERK

DATED: APRIL 8, 1993

ORDERED BY: *Peggy Nicolini*  
PEGGY NICOLINI  
DEPUTY CITY CLERK

ADVINS/TXTA.02J





## CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

### NOTICE OF PUBLIC HEARING

Date: May 5, 1993

Time: 7:00 p.m.

For information regarding this Public Hearing please contact:

Jennifer M. Perrin

City Clerk

Telephone: (209) 333-6702

### NOTICE OF PUBLIC HEARING

May 5, 1993

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:00 p.m.; or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) Amend Title 17 of the Lodi Municipal Code (Zoning Restrictions) to provide for an administrative deviations procedure

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

Jennifer M. Perrin

City Clerk

Dated: April 7, 1993

Approved as to form:

Bobby W. McNatt

City Attorney